

REMARKS/ARGUMENTS

Claims 1-12 are currently pending in the application. Claims 1-4, 6 and 9-12 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,298,702 to Jones et al. in view of U.S. Patent Appl. Publ. No. 2002/0114282 to McLampy et al. Claims 5, 7 and 8 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones and McLampy in further view of U.S. Patent Appl. Publ. No. 2002/0152319 to Amin et al.

Applicant has amended claim 1 to state that access element reserves wireless bandwidth resources provided by the access element for the session according to the allocation of wireless bandwidth of the QoS parameters transmitted by the central control element. Claim 12 has been amended in a similar manner.

To support the rejections set forth above, the Examiner appears to allege that Jones, as modified by or combined with the teachings of McLampy, render the claimed subject matter obvious.

MPEP § 2143, Part G clearly defines the Examiner's initial burden for establishing a prima facie case of obviousness:

To reject a claim based on this rationale, [the Examiner] must articulate the following:

(1) a finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;

(2) a finding that there was reasonable expectation of success; and

(3) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

Furthermore, the "prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." MPEP § 2141, section III. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." MPEP 2143.01, citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007), quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

Proposed Jones-McLampy Combination Fails to Disclose Claimed Subject Matter

The proposed Jones-McLampy combination does not disclose or suggest the subject matter of the claims. As the Examiner admits, Jones fails to disclose transparent processing of session initiation messages for the identification of QoS parameters, and their application at an access element to reserve wireless bandwidth resources for wireless sessions corresponding to the session initiation messages. The Examiner appears to rely on McLampy for its reference to SIP and QoS; however, the Examiner's reliance on McLampy is unavailing, since the teachings of McLampy (when viewed in combination with Jones) do not teach or suggest the claimed subject matter. McLampy discloses a network of routers and forwarding stations that screens advertised routes between hosts for the purposes of providing end-to-end delivery of RTP streams. McLampy ¶¶ 0029, 0030. For example, as McLampy teaches, session routers maintain a TRIB that is consulted in response to SIP invitations for routing decisions—that is, a route between signaling nodes is chosen in response to SIP invites. McLampy ¶¶ 0070, 0261, 0372, 0380-81, 0448.

The QoS referred to in McLampy does not appear to refer to the bandwidth guaranteed at a given hop; but rather, the QoS that a given route can support. See McLampy ¶¶ 0095, 0099. McLampy, however, does not disclose reservation of wireless bandwidth resources at an access element for a session corresponding to a SIP invite.

Still further, the Examiner's allegations as to claim 6 also deserves mention, as McLampy does not disclose "revoking" previously granted QoS guarantees. Rather, the cited sections relate to the screening of advertised routes among session routers in a network system.

Based on the foregoing, it is readily apparent that the proposed Jones-McLampy combination fails to teach all limitations of the claims. In addition, the Examiner fails to explain how the differences, highlighted above, between the proposed Jones-McLampy combination and the claimed subject matter would have been obvious to one skilled in the art, as the MPEP requires. A prima facie case of obviousness has, thus, not been established.

Insufficient Motivation or Suggestion to Combine/Modify

To support the proposed Jones-McLampy combination the Examiner alleges that one of ordinary skill in the art would have been motivated to incorporate the network system of Jones "and demonstrate the QoS in SIP, as taught by McLampy et al., in order to provide an optimal communication path." See Office Action at 3. This conclusory motivation, however, is insufficient to establish a prima facie case as the Office Action fails to articulate a sufficient rationale to create the claimed subject matter. Rather, the alleged motivation merely establishes that some QoS mechanism could be applied to the system of Jones. However, the alleged motivation does not establish that one would have been motivated to reserve wireless bandwidth resources of a wireless access element. Rather, as

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discussed above, McLampy is primarily focused on the selection of routes within a network that can support a session corresponding to a SIP invite, and not on the reservation of wireless bandwidth resources for the connection between a wireless client and an access element.

In light of the foregoing, Applicant believes that all currently pending claims are presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this case. If the Examiner believes that any further action by Applicant is necessary to place this application in condition for allowance, Applicants request a telephone conference with the undersigned at the telephone number set forth below.

Respectfully Submitted,
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